

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 GENERAL ATOMICS, DIAZYME
13 LABORATORIES DIVISION, a California
corporation,

14 Plaintiff,

15 v.

16 AXIS-SHIELD ASA, a Norway corporation,

17 Defendant.

18 AND ALL RELATED ACTIONS
19

Case No. 3:05-cv-04074 SI

**STIPULATION AND [PROPOSED]
ORDER DISMISSING '645 AND
'581 PATENTS WITH PREJUDICE**

Judge: The Honorable Susan Illston

20 IT IS HEREBY STIPULATED by and between the parties to this action through their
21 undersigned counsel that all claims and counterclaims relating to United States Patent
22 No. 5,827,645 and United States Patent No. 6,063,581, are hereby dismissed with prejudice. This
23 dismissal applies only to General Atomics' enzymatic homocysteine assay products. This
24 dismissal shall not be deemed to affect the remaining claims and counterclaims set forth in the
25 Complaint and in the Counterclaim. The parties further stipulate that each party will bear its own
26 costs and fees.
27
28

1 Dated: February 10, 2006

VOSS, COOK & THEL LLP

2
3 By: /s/ Paul C. Nyquist

Paul C. Nyquist

Francis T. Donahue

Attorneys for Defendant/Cross-Complainant

AXIS-SHIELD ASA

6 Dated: February 10, 2006

PRESTON GATES & ELLIS LLP

8 By: /s/ Timothy P. Walker

Timothy P. Walker

Elaine Y. Chow

Attorneys for Defendant/Cross-Complainant

AXIS-SHIELD ASA

11 Dated: February 10, 2006

MORRISON & FOERSTER LLP

13 By: /s/ David C. Doyle

David C. Doyle

Steven E. Comer

Peng Chen

Anders T. Aannestad

Jason A. Crotty

Attorneys for Plaintiff

GENERAL ATOMICS, DIAZYME

LABORATORIES DIVISION and

Counterdefendant-counterplaintiff

CAROLINA LIQUID CHEMISTRIES

CORPORATION

20 **[PROPOSED] ORDER**

22 IT IS SO ORDERED.



24 Dated: _____

The Honorable Susan Illston
United States District Judge

General Order 45 Attestation

I, Anders T. Aannestad, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Dismissing '645 and '581 Patents with Prejudice. In compliance with General Order 45, X.B., I hereby attest that David C. Doyle, Paul C. Nyquist and Timothy P. Walker have concurred in this filing.

/s/ Anders T. Aannestad
Anders T. Aannestad